

April 15, 2011

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
April 15, 2011

I. OPENING OF MEETING AT 11:05 A.M. AT 160 N. LASALLE ST., SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman (by telephone); Barbara J. Peterson, Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; Courtney O'Connell, Roneta Taylor (by telephone), Julie Moscardelli (by telephone), Mark Magill (by telephone), and Mike Quinlan (by telephone), Illinois Department of Central Management Services; Dominic Saebeler (by telephone) and Brent Eggleston, Illinois Department of Agriculture; Brenda Hampton and Jan Samson (by telephone), Illinois Department of Human Services; Kathy Saltmarsh, Illinois Sentencing Policy Advisory Council; Kelly Culpepper (by telephone), Illinois Workers' Compensation Commission; and George S. Gottlieb.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD ON MARCH 18, 2011

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 18, 2011.

April 15, 2011

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging	147	10
Agriculture.....	420	16
Arts Council.....	19	2
Capitol Development Board	46	0
Central Management Services	1,398	115
Children and Family Services.....	2,932	48
Civil Service Commission	4	0
Commerce & Economic Opportunity	421	65
Commerce Commission.....	79	0
Corrections.....	11,615	103
Criminal Justice Authority.....	62	5
Deaf and Hard of Hearing Comm.....	7	1
Developmental Disabilities Council	9	1
Emergency Management Agency	91	7
Employment Security	1,859	29
Environmental Protection Agency.....	888	16
Financial & Professional Regulation	477	41
Gaming Board.....	88	5
Guardianship and Advocacy	107	7
Healthcare and Family Services.....	2,257	25
Historic Preservation Agency	189	9
Human Rights Commission	14	2
Human Rights Department	149	8
Human Services	13,298	73
Illinois Torture Inquiry Relief Commission.....	1	1
Insurance.....	247	11
Investment Board.....	2	1
Juvenile Justice	1,229	20
Labor.....	77	7
Labor Relations Board Educational	13	2
Labor Relations Board State	15	2
Law Enforcement Training & Standards Bd.....	18	2
Medical District Commission	2	0
Military Affairs.....	120	3
Natural Resources	1,227	26
Pollution Control Board.....	21	1
Prisoner Review Board	19	0
Property Tax Appeal Board	24	1
Public Health	1,088	40
Racing Board	2	0
Revenue	1,998	57
State Fire Marshal.....	137	12
State Police	1,277	4
State Police Merit Board.....	6	1
State Retirement Systems	86	2
Transportation.....	3,226	0
Veterans' Affairs	1,232	8
Workers' Compensation Commission	175	7
TOTALS	48,818	796

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

* * *

C. Requests for 4d(3) Exemption and Proposed Rescission of 4d(3) Exemption

Executive Director Daniel Stralka reported:

- As to Items C1 and C2, these requests are for the Executive Director and Senior Policy Advisor – a position that reports to the Executive Director – for the Illinois Sentencing Policy Advisory Council. The council is a legislatively created entity to review sentencing policies and practices to determine how they impact the criminal justice system by collecting data and analyzing information. It is then to propose criminal justice population projections and ensure that there are adequate resources and facilities to serve that population.

As this is a program established by statute, it is sufficient to justify 4d(3) exempt positions to support it. The Executive Director clearly would qualify for exemption. The Senior Policy Advisor will have primary responsibility for the research the Council conducts as well as long-range planning. It will serve as a spokesperson for the Council before the legislature and the Governor's Office with the capacity to bind the Council to a course of action. It will serve as the Executive Director in his or her absence. Given that research and policy would be considered the major program of the Council, Staff recommended approval of both these requests. Chairman Kolker inquired as to non-exempt positions at the Council. Kathy Saltmarsh, Executive Director of the Illinois Sentencing Policy Advisory Council, responded that there were no other employees at this time but that there would be a Research Director as well as research assistants. She indicated that the Research Director would be similar to a principal policy exempt position at the Illinois Department of Corrections so it may also be submitted for exemption. Chairman Kolker and Commissioner Peterson noted concerns over an entity seeking 4d(3) exemption for all its employees. Chairman Kolker inquired of Kathy Saltmarsh whether she had any concern if the exemptions were limited to December 31, 2012 since that is when the Council would cease to exist by the terms of its enabling legislation. She indicated no objection to such a condition.

- As to Item D, this request is for the Chief Information Officer at the Department of Agriculture, a position three levels removed from the Director. The Commission has traditionally approved such requests due to the capacity of such a position to a course of action in this field, especially considering how programmatic accomplishments and information technology are so intertwined. This position is no different in that it has similar responsibilities as positions previously exempted in other agencies. The only concern is that the position is so far removed from the Director. There is no known precedent for approving a Chief Information Officer that was more than two levels removed from the Director. From follow-up correspondence, it appears that the position is organizationally subservient to its superior Division Manager – no independent reporting responsibilities to the Chief of Staff or Director. In addition, it would be the first 4d(3) exempt position in this agency at this organizational level removed from the Director and there is a concern that it would set a precedent. While Staff recommended approval of this request, it considered its organizational placement problematic. Brent Eggleston, Human Resources Director at Illinois Department of Agriculture, clarified that even though the position is technically three

levels removed from the Director, in the agency's organizational structure the Chief of Staff position is for some functions the equivalent of the Director. He also conceded that this position is an anomaly and did not consider it a precedent for seeking additional exemptions. Commissioner Dalianis requested that the Minutes reflect that approval was on a non-precedent setting basis.

- As to Item E, this request is for the Chief of Information Technology Policy and Planning, a position that reports to the Director of the Bureau of Communications and Computer Services who in turn reports to the Director of Central Management Services. This position was first granted an exemption in November, 2008 due to its role in locating, researching, developing, and recommending short-term and long-term strategies and processes that the State of Illinois would commit to in its information management technologies. The position was subsequently abolished in October, 2010. The agency now wishes to reestablish it as the management plan that led to its abolishment has been changed. In addition, a 4d(3) exempt Network Infrastructure position that was approved in October 2010 is being abolished so there will not be an increase in exempt positions. For these reasons, Staff recommended approval of this request.

Commissioner Raymond W. Ewell arrived.

- As to Item F1, this request is for the Associate Deputy Director of Field Audits, a position that reports to the Deputy Director of the Division of Monitoring who reports to the Chief of Staff who reports to the Director of Illinois Department of Children and Family Services. This position directs, manages and coordinates the Field Audit program for the agency. While this position has significant opportunity to provide input and make recommendations into support functions of the agency such as internal controls and office functions, it does not have any principal policy authority in these areas. For these reasons, Staff recommended denying this request.
- As to Item F2, this request is for the State Central Register Administrator, a position that reports to the Deputy Director of Child Protection who reports to the Chief of Staff who reports to the Director of the Illinois Department of Children and Family Services. This position has principal policy responsibility for the operation of the State Central Register, a program established by statute. The State Central Register is the agency's 24 hour hotline for anyone to report cases of suspected child abuse or neglect. It handled 256,492 calls in fiscal year 2010. Given the significance of the program to the agency's overall mission, Staff recommended approval of this request.
- As to Item F3, the agency requested this matter be continued until next month's meeting to provide additional information.
- As to Item F4, this request is for the Assistant Guardianship Administrator, a position that reports to the Deputy Director of Guardian and Advocacy who reports to the Chief of Staff who reports to the Director of the Illinois Department of Children and Family Services. This position is wholly subordinate to the Deputy Director who functions as the court appointed guardian responsible to the court for

the well-being of abused or neglected minors. It does not have any independent principal policy authority in these areas. For this reason, Staff recommended denying this request.

- As to Item G, this request is for the Senior Policy Advisor for the statutory Assistant Secretary of Operations who reports to the Secretary of the Illinois Department of Human Services. This position will perform a variety of critical functions and serve on a number of different task forces dedicated to improving agency management and operations under this Assistant Secretary. The Illinois Department of Human Services has two statutory Assistant Secretary positions, the other being the Assistant Secretary for Administration which the agency indicated already has a comparable 4d(3) exempt position. For these reasons, Staff recommended approval of this request though it notes this would make six 4d(3) exempt policy positions that are not tied to any specific program of the agency. Several Commissioners noted for the record that additional requests for similar such policy positions would be difficult to justify.
- As to Items H1-3, these requests are for the Deputy Director of Adult Services, the Deputy Director of Licensing and Quality Management, and the Deputy Director of Clinical Operations, all of whom report to the Director of Mental Health who reports to a statutory Assistant Secretary who reports to the Secretary of the Department of Human Services. The agency is, essentially, creating a new program as a result of litigation over the transition of residents from institutional settings to community based housing. The Williams settlement mandates the agency to:
 1. Communicate to qualifying individuals their choice to potentially transition from institutional residency to community housing.
 2. Provide independent evaluations of these individuals to determine their appropriate setting.
 3. Develop 640 units of community based housing within the next 2 years.
 4. Develop a service plan for each class member.

Each of these three positions has a role in effectuating this plan of action. Item H1 has the overall planning responsibility for this new program. Item H2 will be responsible for monitoring both the qualifying individuals as well as service providers to these individuals to ensure the proper level of care is being maintained. Item H3, which recently had its 4d(3) exemption rescinded due to extended vacancy, has overall clinical Mental Health responsibilities that include this new program, but include clinical operations throughout Mental Health. It also serves as the Division Director in his or her absence. Given the nature of this newly mandated program and the responsibilities of Items H1 and H2 in developing and administering it, and then considering the request to renew the exemption for Item H3, Staff recommended approval of these requests.

Commissioner Dalianis requested the agency representative provide a brief overview of the litigation that led to this new program. Brenda Hampton, Deputy Director-

System Rebalancing, explained the history of the litigation and explained how the settlement requires the Department of Mental Health to provide transition services to 4,500 individuals to integrated community based settings. Those that qualify will live in their own apartments with wraparound support services provided by the agency. This is a statewide initiative and the agency has been given five years to accomplish it for those residents who qualify.

- As to Item I, this request is for the Fraud Prevention and Efficiency Controller, a position that reports to the Chairman of the Illinois Workers' Compensation Commission. This position is responsible for reviewing Commission operations to maximize efficiencies and watch for fraudulent activity which hinder and impede its administrative operations. It was created as a result of issues that arose during legislative hearings as well as an acknowledgement that its performance in some operations areas could be improved. As this position will have significant responsibility and authority to impact the overall program of the Commission, Staff recommended approval of this request. Commissioner Dalianis inquired whether it would function as an inspector general. Kelly Culpepper, Human Resources Manager at the Illinois Workers' Compensation Commission, indicated it would. Commissioner Peterson asked how many 4d(3) exempt positions this would leave the Commission with. Kelly Culpepper responded nine since the recently rescinded Chief of Staff would not be reestablished.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 5-0 TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS THROUGH DECEMBER 31, 2012:

- C1: Executive Director (Illinois Sentencing Policy Advisory Council)**
- C2: Senior Policy Advisor (Illinois Sentencing Policy Advisory Council)**

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 5-0 TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

- D: Chief Information Officer/Bureau Chief-Bureau of Computer Services (Department of Agriculture)**
- E: Chief of Information Technology Policy and Planning (CMS)**
- F2: State Central Register Administrator (Children & Family Services)**
- G: Special Management Assistant/Senior Policy Advisor (DHS)**
- H1: Deputy Director of Adult Services, Division of Mental Health (DHS)**
- H2: Deputy Director of Licensing and Quality Management, Division of Mental Health (DHS)**
- H3: Deputy Director of Clinical Operations, Division of Mental Health (DHS)**
- I: Fraud Prevention & Efficiency Controller (Workers' Comp. Comm.)**

April 15, 2011

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION ADOPTED 5-0 TO DENY THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

- F1: Associate Deputy Director of Field Audits (Children & Family Services)**
- F4: Assistant Guardianship Administrator (Children & Family Services)**

The following 4d(3) exemption requests were granted through December 31, 2012 on April 15, 2011:

C1. Illinois Sentencing Policy Advisory Council

Position Number	40070-50-04-000-00-01
Position Title	Senior Public Service Administrator
Functional Title	Executive Director
Incumbent	Kathryn Saltmarsh
Supervisor	Illinois Sentencing Policy Advisory Council
Location	Sangamon County

C2. Illinois Sentencing Policy Advisory Council

Position Number	40070-50-04-000-01-01
Position Title	Senior Public Service Administrator
Bureau/Division	Executive Director's Office
Functional Title	Senior Policy Advisor
Incumbent	Vacant
Supervisor	Executive Director who reports to the Illinois Sentencing Policy Advisory Council
Location	Sangamon County

The following 4d(3) exemption requests were granted on April 15, 2011:

D. Illinois Department of Agriculture

Position Number	40070-11-61-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Computer Services
Functional Title	Chief Information Officer and Bureau Chief of the Bureau of Computer Services
Incumbent	Vacant
Supervisor	Division Manager of the Division of Administrative Services, who reports to the Chief of Staff, who reports to the Director
Location	Sangamon County

E. Illinois Department of Central Management Services

Position Number	40070-37-10-000-20-01
Position Title	Senior Public Service Administrator
Bureau/Division	BCCS ¹ , Information Technology & Telecom Policy and Planning
Functional Title	Chief of Information Technology Policy and Planning
Incumbent	Vacant
Supervisor	BCCS Deputy Director, who reports to the Director
Location	Sangamon County

F2. Illinois Department of Children and Family Services

Position Number	40070-16-18-420-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Child Protection
Functional Title	State Central Register Administrator
Incumbent	Vacant
Supervisor	Deputy Director of Child Protection, who reports to the Chief of Staff, who reports to the Director
Location	Sangamon County

G. Illinois Department of Human Services

Position Number	40070-10-02-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Assistant Secretary of Operations
Functional Title	Special Management Assistant/Senior Policy Advisor
Incumbent	Vacant
Supervisor	Assistant Secretary of Operations, who reports to the Secretary
Location	Cook County

H1. Illinois Department of Human Services

Position Number	40070-10-76-320-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health
Functional Title	Deputy Director of Adult Services, Mental Health Division
Incumbent	Vacant
Supervisor	Director of Mental Health, who reports to the Assistant Secretary, who reports to the Secretary
Location	Cook County

¹ Bureau of Communications and Computer Services

H2. Illinois Department of Human Services

Position Number	40070-10-76-340-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health
Functional Title	Deputy Director of Licensing and Quality Management
Incumbent	Vacant
Supervisor	Director of Mental Health, who reports to the Assistant Secretary, who reports to the Secretary
Location	Cook County

H3. Illinois Department of Human Services

Position Number	40070-10-76-600-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Mental Health
Functional Title	Deputy Director of Clinical Operations
Incumbent	Vacant
Supervisor	Director of Mental Health, who reports to the Assistant Secretary, who reports to the Secretary
Location	Cook County

I. Illinois Workers' Compensation Commission

Position Number	40070-50-37-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Administration
Functional Title	Fraud Prevention & Efficiency Controller
Incumbent	Vacant
Supervisor	Chairman
Location	Cook County

The following 4d(3) exemption requests were denied on April 15, 2011:

F1. Illinois Department of Children and Family Services

Position Number	40070-16-13-400-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Monitoring
Functional Title	Associate Deputy Director of Field Audits
Incumbent	Vacant
Supervisor	Deputy Director of Monitoring, who reports to the Chief of Staff, who reports to the Director
Location	Cook County

F4. Illinois Department of Children and Family Services

Position Number	40070-16-24-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Guardian and Advocacy
Functional Title	Assistant Guardianship Administrator
Incumbent	Vacant
Supervisor	Deputy Director of Guardian and Advocacy, who reports to the Chief of Staff, who reports to the Director
Location	Cook County

V. CLASS SPECIFICATIONS

- None submitted.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

VI. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER BUKRABA, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO HOLD AN EXECUTIVE SESSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

April 15, 2011

VII. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 12:15 p.m.

PRESENT

Chris Kolker, Chairman (by telephone); Raymond W. Ewell, Barbara J. Peterson, Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; George S. Gottlieb; and Michael A. Sanders (by telephone).

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Report.

Agency	2/28/11	3/31/11	3/31/10
Aging	1	0	1
Agriculture	0	1	0
Children and Family Services	4	3	2
Corrections	1	0	0
Employment Security	3	2	2
Healthcare and Family Services	1	1	2
Historic Preservation Agency	1	1	1
Human Services	2	2	0
Natural Resources	9	8	1
Property Tax Appeal Board	0	2	0
State Fire Marshal	1	0	0
Transportation	10	5	10
Veterans' Affairs	0	1	0
Totals	33	26	19

Both George Gottlieb and Michael Sanders asked for permission to address the Commission. It was the consensus of the Commissioners for these requests to waive the requirement in Section 1.260 of the Rules of the Civil Service Commission that requests for oral argument are made at least five days before the public meeting, and to allow George Gottlieb and Michael Sanders to address the Commission briefly.

April 15, 2011

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

DA-33-10

Employee	Michelle R. Freeman	Appeal Date	02/02/10
Agency	Corrections	Decision Date	04/01/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences and violation of Standards of Conduct	Proposal for Decision	Charges are partially proven and warrant discharge.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES HAVE BEEN PARTIALLY PROVEN AND WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED APRIL 1, 2011.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

DA-53-10

Employee	George S. Gottlieb	Appeal Date	06/07/10
Agency	Revenue	Decision Date	03/31/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming	Proposal for Decision	Charges are proven and warrant discharge.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES HAVE BEEN PROVEN AND WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MARCH 31, 2011.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

DA-23-11

Employee	Sahin M. Cakir	Appeal Date	10/06/10
Agency	State Police	Decision Date	03/31/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Violation of Affirmative Attendance policy, insubordination, sleeping on state premises, and negligent performance of duties	Proposal for Decision	Charges are partially proven and warrant discharge.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER PETERSON, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES HAVE BEEN PARTIALLY PROVEN AND WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MARCH 31, 2011.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

DA-25-11

Employee	Russell Purlee	Appeal Date	10/18/10
Agency	Human Services	Decision Date	04/01/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Recipient abuse	Proposal for Decision	Charges are not proven; discharge is set aside in whole; employee to be reinstated.

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES HAVE NOT BEEN PROVEN, THE DISCHARGE IS SET ASIDE IN WHOLE AND THE EMPLOYEE IS TO BE REINSTATED TO HIS POSITION OF MENTAL HEALTH TECHNICIAN II WITH THE ILLINOIS DEPARTMENT OF HUMAN SERVICES FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED APRIL 1, 2011.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

DA-26-11

Employee	Cindy L. Barrett	Appeal Date	10/22/10
Agency	Corrections	Decision Date	03/31/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Unauthorized absence	Proposal for Decision	Charges are proven and warrant discharge.

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 4-1 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES HAVE BEEN PROVEN AND WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MARCH 31, 2011.

KOLKER	NO	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

DA-33-11

Employee	Michael A. Sanders	Appeal Date	12/07/10
Agency	Healthcare & Family Services	Decision Date	03/31/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Violation of Affirmative Attendance Policy and Employee Handbook	Proposal for Decision	Charges are proven and warrant discharge.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES HAVE BEEN PROVEN AND WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MARCH 31, 2011.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

RV-23-03 on Remand²

Petitioner	AFSCME	Appeal Date	08/04/08
Agency	Various	Decision Date	03/22/11
Type	Rule Violation	ALJ	Daniel Stralka
Allegation	Violation of Personnel Code (20 ILCS 415/8b) by various state agencies in the use of personal service contracts and/or vendor contracts	Proposal for Decision	16 personal service contracts violated the Personnel Code because they covered a "position of employment." The remaining allegations are dismissed.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT IN ACCORDANCE WITH THE APPELLATE COURT ORDER DATED JULY 8, 2005, THE COMMISSION CONDUCTED AN INVESTIGATION AND FOUND A VIOLATION OF THE PERSONNEL CODE IN THAT 16 PERSONAL SERVICE CONTRACTS WITH THE DEPARTMENT OF AGRICULTURE COVERED A "POSITION OF EMPLOYMENT" AS SET FORTH IN THE PERSONNEL CODE. THE COMMISSION HEREBY DIRECTS THE RESPONDENT AGENCIES TO COMPLY WITH THE REQUIREMENT OF THE PERSONNEL CODE (20 ILCS 415/4) THAT ALL POSITIONS OF EMPLOYMENT IN THE SERVICE OF THE STATE OF ILLINOIS SHALL BE SUBJECT TO ITS PROVISIONS UNLESS OTHERWISE EXEMPTED. THE REMAINING ALLEGATIONS ARE DISMISSED AS AGREED BY THE PARTIES.

**KOLKER YES EWELL YES
PETERSON YES DALIANIS YES
BUKRABA YES**

X. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

DA-43-11

Employee	Don Ray Williams	Appeal Date	3/17/11
Agency	Corrections	Decision Date	3/28/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Brought contraband into a correctional center	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.

² This appeal was originally filed on October 31, 2002 and addressed the use of 538 personal service contracts and 45 vendor contracts in 21 different state agencies. After two administrative reviews, it was remanded to the Commission on August 4, 2008.

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IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION TO DISMISS THE APPEAL.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

XI. STAFF REPORT

Executive Director Daniel Stralka reported:

- The Commission will receive an Exceptional Giving Award at the SECA Campaign Award Ceremony on April 21, 2011.
- He and Brian Collins attended the Commission's Senate Appropriation Committee hearing on April 7, 2011.
- Legislative Audit Commission Resolution 141 requires the Auditor General to conduct a performance audit of Central Management Services and its statutory responsibility to conduct research and planning regarding the State's manpower needs. The Resolution requires the assistance of the Civil Service Commission so Staff will be meeting with the Auditor General's representatives on May 10, 2011.
- There has been no reported activity on the status of SB1 affecting Commissioners throughout the State whose terms have expired but continue to serve on their various Boards and Commissions.

XII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on Friday, May 20, 2011 at 1:00 p.m. in the Commission's Springfield office.

XIII. MOTION TO ADJOURN

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 12:30 P.M.